

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MATHEW COLLETT,

Plaintiff,

V.

## MASON COUNTY, et al.,

## Defendants.

CASE NO. 3:23-CV-5654-TMC-DWC

## ORDER ON MOTIONS FOR EXTENSION AND FOR DEFAULT JUDGMENT AND DIRECTING STATUS REPORT

The District Court has referred this prisoner civil rights action to United States Magistrate Judge David W. Christel. Currently before the Court are Plaintiff Mathew Collett's Motion for Extension of Time to file a motion to compel discovery against Defendants Summit Foods and John Bell (collectively "Summit Foods Defendants") and his Motion for Default Judgment as sanctions against the Summit Foods Defendants. Dkts. 150, 153.

In support of his request for an extension, Plaintiff states that the current deadline to file motions to compel discovery by October 18, 2024, runs up against another deadline that makes it difficult for him to prepare and file such a motion against Summit Foods Defendants. *Id.* Specifically, Plaintiff refers to the October 4, 2024 deadline for all Defendants to send Plaintiff

1 copies of his previous discovery requests and their previous discovery responses. *See* Dkt. 147.  
2 Although this deadline has now lapsed, Plaintiff states Summit Foods Defendants have not yet  
3 complied with the Court's directive, so he is unable to file a properly supported motion to  
4 compel discovery against them. Dkt. 150. Plaintiff also moves for default judgment against  
5 Summit Foods Defendants to sanction their failure to comply with this directive. Dkt. 153.

6 The Court finds Plaintiff has shown good cause for an extension of time to file a motion  
7 to compel against Summit Foods Defendants, but he has not shown the existence of  
8 circumstances warranting the severe sanction of default judgment at this time. *See United States*  
9 *ex rel. Wiltec Guam, Inc. v. Kahaluu Constr. Co.*, 857 F.2d 600, 603, 603 n. 5 (9th Cir.  
10 1988) (explaining that default judgment is "the most severe penalty" and is authorized only in  
11 "extreme circumstances") (citing *Fjelstad v. Am. Honda Motor Co.*, 762 F.2d 1334, 1338 (9th  
12 Cir. 1985)).

13 Accordingly, Plaintiff's Motion for Extension of Time (Dkt. 150) is granted and his  
14 Motion for Default Judgment (Dkt. 153) is denied without prejudice. The new deadline for  
15 Plaintiff to file a motion to compel discovery against Summit Foods Defendants is November 15,  
16 2024. To ensure Plaintiff receives the documents he needs by that date, Summit Foods  
17 Defendants are hereby directed to file a status report not later than October 30, 2024, regarding  
18 their compliance with the Court's directive to provide Plaintiff with copies of his previous  
19 discovery requests and their previous discovery responses.

20 Dated this 21st day of October, 2024.

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23 David W. Christel  
United States Magistrate Judge  
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